

**ORIGINAL**

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

T040037

**STIPULATED AGREEMENT No. 1078**

This Agreement made and entered into, by and between the State of Illinois, acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", the Elgin, Joliet, and Eastern Railway Company, hereinafter referred to as the "COMPANY", Wheatland Township Road District, hereinafter referred to as the "TOWNSHIP", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY'S track with the public highway known as 119<sup>th</sup> Street (Ferguson Road) located near the City of Plainfield in Wheatland Township Road District, Will County, Illinois, designated as crossing AAR/DOT 260 569J, Milepost 13.59; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a staff member of the COMMISSION'S Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volumes, and all other pertinent data relating to the crossings has been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

**DOCKETED**

procedures in general.

Section 2           The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Remove the existing flashing light signals, and install automatic flashing light signals, gates, and circuitry from another crossing that was recently modified.

Section 3           The COMPANY has prepared preliminary estimates of cost to accomplish the proposed improvements that they may be required to perform. Said estimates are attached as Exhibit B. The COMPANY shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT.

Section 4           The COMPANY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agree that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows,

- (a) The cost to install the automatic flashing light signals, gates, and circuitry is estimated to cost \$99,564. The Grade Crossing Protection Fund (GCPF) should pay 90% of the installation costs, not to exceed \$89,608. The COMPANY should pay all remaining installation costs, as well as future operating and maintenance costs.

Section 6           Special Provisions:           The COMPANY shall at six (6) month intervals from the date of the COMMISSION Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the COMMISSION stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule the reports must also include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 S. Dirksen Parkway, Springfield, IL 62764. The DEPARTMENT shall send a copy of all bills to the Director of

Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 24<sup>th</sup> month from the COMMISSION Order date, de-obligate all residual funds accountable for the cost for this project.

The COMPANY shall at six (6) month intervals from the date of the Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the COMMISSION, stating the progress made toward completion of the work herein required. Each progress report shall include the COMMISSION Order Number, the Order Date, the project completion date as noted in the Order, crossing information (Inventory Number and Railroad Milepost), type of improvement, and project manager information (the name, title, mailing address, phone number and facsimile number of the employee responsible for management of the project.)

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.


Executed by the COMMISSION this **18th** day of **February**, 2004.



---

Michael E. Stead  
Rail Safety Program Administrator

Attest:



---

Brian Vercruysse  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1078 concerning improvements at the 119<sup>th</sup> Street (Ferguson Road) highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's track, located near the City of Plainfield in Wheatland Township Road District, Will County, Illinois, designated as crossing AAR/DOT 260 569J, Milepost 13.59.

Executed by WHEATLAND TOWNSHIP ROAD DISTRICT

this 2 day of MARCH, 2004.

WHEATLAND TOWNSHIP ROAD DISTRICT

By: Wayton E. Jarmy  
(Title)

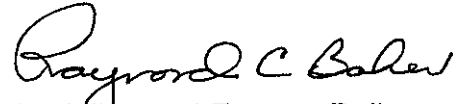
Attest:

Robert A. Green

Illinois Commerce Commission Stipulated Agreement No. 1078 concerning improvements at the 119<sup>th</sup> Street (Ferguson Road) highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's track, located near the City of Plainfield in Wheatland Township Road District, Will County, Illinois, designated as crossing AAR/DOT 260 569J, Milepost 13.59.

Executed by the Elgin, Joliet, and Eastern Railway Company,

this 02 day of MARCH, 2004.



Elgin, Joliet, and Eastern Railway Company

By: Chief Engineer  
(Title)

Attest:



\_\_\_\_\_

Illinois Commerce Commission Stipulated Agreement No. 1078 concerning improvements at the 119<sup>th</sup> Street (Ferguson Road) highway-rail grade crossing of the Elgin, Joliet, and Eastern Railway Company's track, located near the City of Plainfield in Wheatland Township Road District, Will County, Illinois, designated as crossing AAR/DOT 260 569J, Milepost 13.59.

Executed by the Illinois Department of Transportation,

this 26<sup>th</sup> day of March, 2004.

Illinois Department of Transportation

By: Victor A. Moders  
(Title)

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Elgin, Joliet, and Eastern Railway Company
<b>USDOT#, MILEPOST</b>	260 569J, 13.59
<b>STREET, CITY, COUNTY</b>	119 <sup>th</sup> Street (Ferguson Road), Wheatland Township, Will County
<b>JURISDICTION (RDWY)</b>	Wheatland Township
<b>LOCATION</b>	Increasing Residential from Rural/Farmland
<b>STREET SURFACE</b>	Asphalt, 24-feet, Fair

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
1 N-S	Rail-seal/Asphalt	5-feet	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Normantown Road, 70-feet East
<b>TRAFFIC CONTROL</b>	Stop Signs on Normantown Road
<b>ADT &amp; SPEED</b>	1700 Vehicles per Day @ 45-55 MPH (6% Trucks)
<b>TRAFFIC TYPE</b>	Passenger, School Busses, Hazardous Materials Possible
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	12 Per day @ 45 MPH, Day & Night
<b>PASSENGER TRAFFIC</b>	Not Applicable
<b>WARNING DEVICES</b>	Automatic Flashing Light Signals, Bell (No Gates)

**NOTES:**



**VISIBILITY STUDY:** See Location Sketch

Train Speed	45	MPH
Roadway Speed	45	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	357	FEET
Along Tracks	439	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1078	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1984.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE		NA		
NW		NA		
SE		NA		
SW		NA		

**APPROACH GRADES:** See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0		*			*
25		*			*
50		*			*
100					

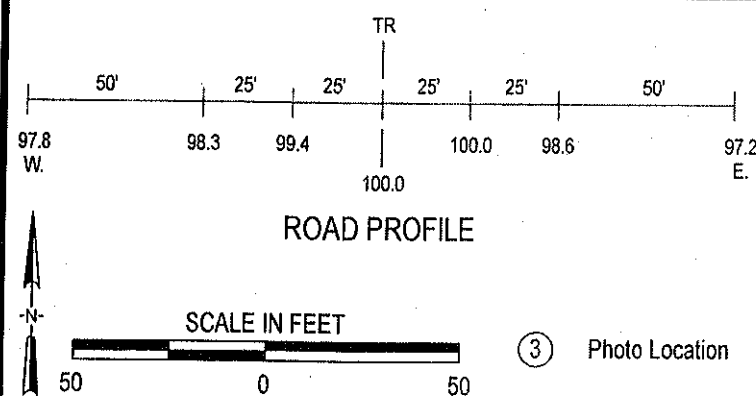
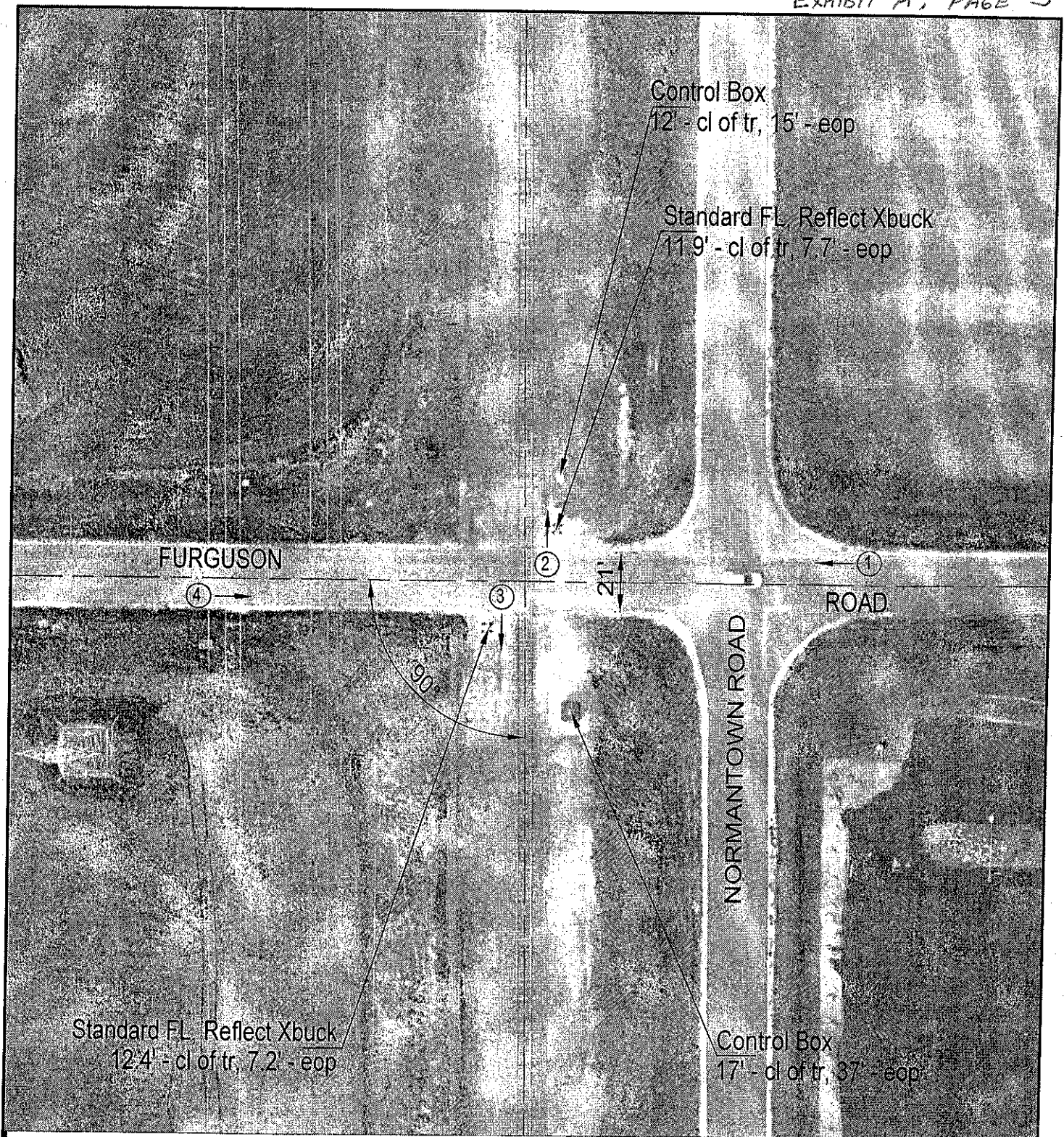
Distance measured from outermost rail.

\*Existing approach grades meet the minimum requirements of 92 IAC 1535.

**COMMENTS:**

Note: The local highway agency's contribution for the proposed safety improvements will be paid by the GCPF and the Railroad, due to the nature of the work with the utilization of equipment from a different crossing.

See Page Three (3) for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 260569J

Location: Will Co., City of Plainfield (N)

Lat/Long: 41°39'54" / 88°14'01"

Railroad: EJE

Street: Furguson Road/119th

Railroad Milepost: 13.59

Crossing Protection: Train Activated Devices

## DETAILED ESTIMATE

**Name of Carrier:**

Elgin, Joliet & Eastern Railway Company

**Date:**

18-Jun-03  
(Revised 10/20/03)

**Exhibit B**

**Page 1 of 2**

*EST NO 6599*

**Description, Conditions and Location of Project:**

Replace and Upgrade the Crossing Protection System at the Ferguson Road (119th Street) Grade Crossing, DOT # 260 569J, Milepost 13.59, EJ&E Western Subdivision, Plainfield. The Existing Lake View Parkway Crossing( DOT # 260 934B) Control Bungalow Would be Relocated to Ferguson Road, After A New Crossing System Protection Is Installed At Lake View Parkway, Which Was Put In Service Summer Of 2003. New Gates Would Also Be Added To The New Setup at Ferguson Road.

Please Note That EJ&E Rates And Additives Are Subject To Change And Would Need To Be Updated When The Stipulated Agreement Is Written.

**AAR/DOT#:**  
260 569J

**Milepost:**  
13.59 WSD

**Location:**  
119th St. (Ferguson Rd.)  
Wheatland Township

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
<b><u>Material:</u></b>						
US&S Model 95 Gate With LED Lights	Each	2	11,000.00	22,000.00		
Cragg 40 Amp Rail Charger	Each	1	650.00	650.00		
Batteries	Each	13	270.00	3,510.00		
Track Cable 2/C #6 AWG Twisted	Ft.	1000	1.25	1,250.00		
Signal Cable 7/C #6 AWG - Gate	Ft.	1000	5.60	5,600.00		
Power Cable 3/C #2 AWG	Ft.	250	5.00	1,250.00		
Cabin & Other Miscellaneous Material	Lot	1	3,500.00	3,500.00		
Material Subtotal				37,760.00		
Sales Tax %	6.25			2,360.00		
Handling %	5			1,888.00		
<b>Material Total:</b>				<b>42,008.00</b>		<b>42,008.00</b>
<b><u>LABOR:</u></b>						
Signalman	MH	500	22.18		11,090.00	
C&E Lineman	MH	75	22.18		1,663.50	
Labor Subtotal					12,753.50	
Labor Fringe (%)87.13					11,112.12	
Engineering and Accounting	lot	1	3,500.00		3,500.00	
Engr. Fringe (%)73.54					2,573.90	
<b>Labor Total:</b>					<b>29,939.52</b>	<b>29,939.52</b>
<b><u>OTHER:</u></b>						
Equipment Cost	lot	1	14,375.00	14,375.00		
(Based on Total Hours )						
Underground Conduit Bore	Lot	1	8,500.00	8,500.00		
<b>Other Total:</b>				<b>22,875.00</b>		<b>22,875.00</b>
<b>Total:</b>						<b>94,822.52</b>

<b><u>Total Project Expenditure</u></b>	<b><u>94,822.52</u></b>
<b><u>Project Contingency ( 5% )</u></b>	<b><u>4,741.13</u></b>
<b><u>Net Project Expenditure</u></b>	<b><u>99,563.65</u></b>

Figured by: J. Jevtovic  
Checked by: T.W. Hunter

Page 2  
Ferguson Rd. Estimate  
18-Jun-03  
(Revised 10/20/03)

Exhibit B  
Page 2 of 2

Total Project Expenditure  
Project Contingency ( 5% )

94,822.52  
4,741.13

Net Project Expenditure

99,563.65

Figured by: J. Jevtovic  
Checked by: T.W. Hunter